IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1073 OF 2007

Satish Keshav Doifode ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Ms.Mallika Ingale, Adv. for the Applicant.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 16th April, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.120 of 2006 of Pandharpur City Police Station. The said case is under Section 364(a), 368, 384, 120(b) of IPC.

3. It is the prosecution case that the present applicant along with two others conspired to kidnap a minor boy Akshay, who is the son of the complainant. At the time of the incident, Akshay was five years old. The complainant has stated

that two persons kidnapped his minor son. Thereafter, he received phone-calls demanding Rs.10 lacs. The complainant informed the police about these phone-calls and thereupon the telephone of the complainant was tapped by the police. The complainant told the person that he would arrange the said amount of Rs.10 lacs. Thereafter the complainant was told to come to a particular place with Rs.10 lacs and on receiving Rs.10 lacs they would return the son of the complainant. Accordingly, the complainant went to the said spot and handed over Rs.10 lacs and his son was returned to him. At that time, the police who were hiding nearby immediately caught hold of the two persons. One of the said persons was the present applicant.

4. The learned Advocate for the applicant submitted that the main person behind the kidnapping was orig.accused No.1 Ganesh and Ganesh has been released on bail. Hence, the present applicant be released on bail on the ground of parity. As far as this aspect is concerned, it is seen that the applicant was caught red-handed receiving the ransom money and returning kidnapped

minor boy to the complainant. Co-accused Ganesh who has been granted bail was nowhere on the scene at that time. Thus, it cannot be said that the role of the present applicant and that of coaccused Ganesh is similar.

5. Looking to the fact that the applicant was caught red-handed, I am not inclined to grant bail. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)